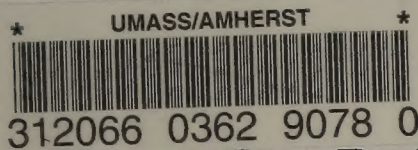


MASS. CA22.3: 96-3



Transfer Bulletin

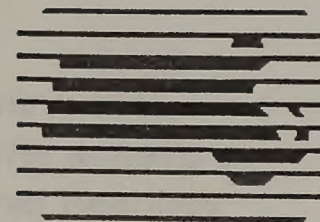
Bulletin 96-3

May 24, 1996

GOVERNMENT DOCUMENTS
COLLECTION

NOV 13 1997

University of Massachusetts
Depository Copy



Massachusetts
Cable Television
Commission

John D. Patrone
Commissioner

To the Issuing Authorities of Communities Licensed to Continental Cablevision and Other Interested Parties:

On April 10, 1996, the Commission announced that it would allow issuing authorities to join together for regional hearings to consider the transfer of over 100 licenses from Continental Cablevision to U S WEST. These regional hearings are meant to fulfill the hearing requirement of 207 CMR 4.03. The Commission allowed this regional approach "in recognition of the [administrative] burdens involved to all parties"

We are pleased to advise you that we have made considerable progress in facilitating the regional hearings in the few short weeks since that announcement. This Bulletin will serve to update you on where things stand.

First and foremost, on April 23, 1996, the Commission appointed Attorney Charles J. Beard of Lexington as the Special Magistrate in charge of coordinating and running the regional hearings. (See attached copy of Mr. Beard's appointment letter and his resume.) Mr. Beard, a partner in the Boston law firm of Foley, Hoag & Eliot, is a former Commissioner of this agency. He has also represented municipalities in negotiations with cable operators. As such, Mr. Beard brings to this position a wealth of experience in cable television law, as well as a familiarity with the concerns of Massachusetts municipalities. Throughout his impeccable career, Mr. Beard has demonstrated excellent judgment, common sense and the utmost in professionalism. The Commission is therefore pleased that he has offered his services to the Commonwealth.

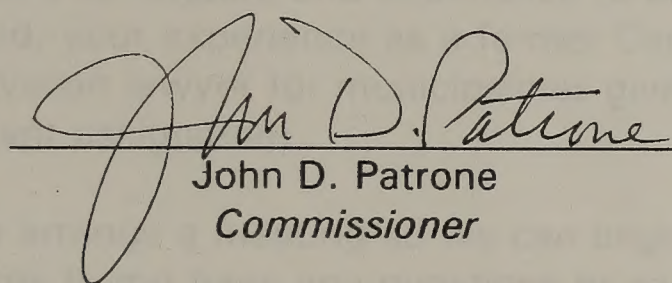
Second, we have heard from about half the involved municipalities, with the overwhelming majority expressing enthusiastic support for the regional hearing approach. Thus far, 10 municipalities, mostly out of concern for scheduling, have asked to reserve their rights to hold a separate local hearing. While we did not offer this option, the Commission will allow municipalities to reserve their rights. Only five of the possible 119 municipalities opted for a local hearing; in each case, this was done to facilitate discussion of purely local issues. (Two towns-- Westhampton and Dighton--have already approved the transfer!)

Third, we have attached a memorandum from Magistrate Beard outlining the hearing schedule. *Please contact him directly with questions about the schedule.* Note that Continental is making plans to cablecast most of the regional hearings on its cable systems.

Fourth, one of the reasons the Commission supported this concept was that we expected that the process could be carried out without tying up the Commission's limited resources. While we will remain involved in this process, we think that it would be more efficient for Magistrate Beard and his staff to answer your questions directly. Accordingly, we ask that, from now on, all inquiries on this matter be directed to Magistrate Beard for his review. He will, in turn, be in touch with the Commission as necessary to discuss issues he feels deserves the Commission's advice and direction. Please direct all inquiries to Magistrate Beard at the following address:

Charles J. Beard, *Esq.*
Foley, Hoag & Eliot
One Post Office Square
Boston, Massachusetts 02109-2170
617 832 1100 *direct*
617 832 1000 *main number*
617 832 7000 *fax*

We appreciate the strong support we have gotten from all of you thus far. We look forward, with Magistrate Beard, to a successful completion of this important process.



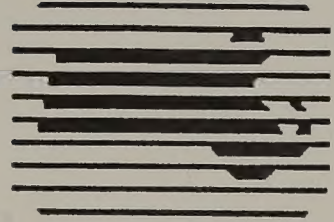
John D. Patrone
Commissioner



The Commonwealth of Massachusetts
Executive Office of Consumer Affairs

Cable Television Commission

100 Cambridge Street, Suite 2003
Boston, Massachusetts 02202



William F. Weld
Governor

(617) 727-6925

John D. Patrone
Commissioner

April 23, 1996

Charles J. Beard, *Esq.*
Foley, Hoag and Eliot
One Post Office Square
Boston, Massachusetts 02109-2170

Dear Mr. Beard:

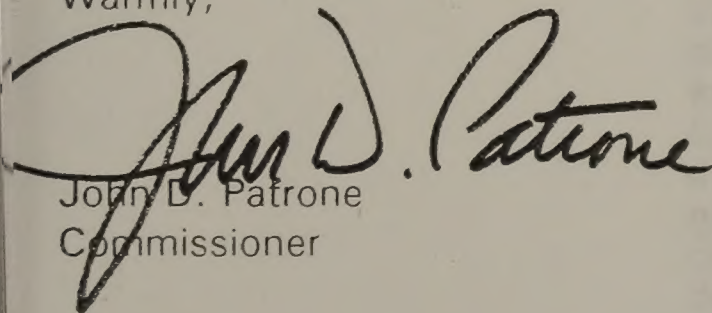
I am pleased to notify you formally that you have been selected to serve as a Special Magistrate to the Commission, a temporary, contract position expected to begin in May and to continue for 2-4 months.

In this position, you will be responsible for conducting regional hearings across the Commonwealth, to assist some 119 municipalities as they assess the qualifications of U S West to assume ownership of cable systems currently held by Continental Cablevision, Inc.

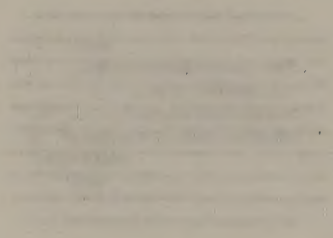
As we are breaking new ground with the regional hearing approach, we are pleased to have someone of your stature and experience to assist us in this exciting experiment. Indeed, your experience as a former Commissioner of this agency and as a cable television lawyer for municipalities gives you a solid background for this important assignment.

I will be in touch shortly to arrange a meeting so we can begin the process. In the meantime, please contact me if you have any questions or concerns.

Warmly,


John D. Patrone
Commissioner

H:\pat\cableops\uswest.beard



Cable Television Commission

The Commission of Massachusetts
Executive Office Building, Room 100
Boston, Massachusetts 02125



John D. Farnham
Chairman

(617) 727-6031

William F. Ward
Deputy Chairman

April 22, 1997

Dear Mr. Ward:

Enclosed for you are two copies of a letterhead memorandum (LHM) dated and captioned as above. The LHM was prepared by the Commission's staff in response to your letter of April 14, 1997, regarding the Commission's ongoing review of the rules governing the operation of cable television systems in the Commonwealth.

I am pleased to inform you that the Commission has received your letter of April 14, 1997, regarding the Commission's ongoing review of the rules governing the operation of cable television systems in the Commonwealth. The Commission is currently reviewing the rules and will provide you with a response in the near future.

In the meantime, the Commission is continuing its review of the rules governing the operation of cable television systems in the Commonwealth. The Commission is currently reviewing the rules and will provide you with a response in the near future.

As you are aware, the Commission is currently reviewing the rules governing the operation of cable television systems in the Commonwealth. The Commission is currently reviewing the rules and will provide you with a response in the near future.

I will be in contact with you regarding the Commission's ongoing review of the rules governing the operation of cable television systems in the Commonwealth. The Commission is currently reviewing the rules and will provide you with a response in the near future.

Very truly yours,

John D. Farnham
Chairman

NAME: Charles J. Beard

ADDRESS: 66 Prospect Hill Road
Lexington, Massachusetts 02173
(617) 863-1126

EDUCATION: Harvard College, A.B. 1966
Harvard Law School, J.D., 1969
Admitted:
Massachusetts Supreme Judicial
Court, November, 1969
United States District Court for
the District of Massachusetts,
December, 1976

WORK EXPERIENCE:

January, 1979 -
Present
Foley, Hoag & Eliot
One Post Office Square
Boston, Massachusetts 02109

I am a partner in a firm of 145 lawyers who are engaged in the general practice of law. My practice is a business and administrative practice including general corporate matters, bank regulation, cable television regulation, and other administrative law matters.

March, 1974 -
December, 1978

I was an associate engaged in the general practice of law during this period.

March, 1970 -
February, 1974

Boston Model City Administration
2401 Washington Street
Boston, Massachusetts 02119

As the Assistant Administrator for Community Services, I was the division head of the largest line division in the Agency; it included supervision of more than 140 staff people in three agency programs and coordination of six additional programs under contract with the City of Boston. The programs in the division included a system of three neighborhood health centers, three day care centers, a Spanish multi-service center, a drug addiction residential treatment facility, and a social service program for senior citizens. The annual

Page 1

Charles J. Davis

He was born in 1911 in
Washington, D.C.
(1911-1912)

1911-1912

He was born in 1911 in
Washington, D.C.
(1911-1912)

He was born in 1911 in
Washington, D.C.
(1911-1912)

1911-1912

January, 1912
Present

He was born in 1911 in
Washington, D.C.
(1911-1912)

He was born in 1911 in
Washington, D.C.
(1911-1912)

March, 1912
December, 1912

He was born in 1911 in
Washington, D.C.
(1911-1912)

March, 1912
February, 1912

He was born in 1911 in
Washington, D.C.
(1911-1912)

As the Assistant Administrator for
Community Services, I was the division
head of the largest division in the
Agency. It included supervision of some
thirty staff people in three agencies
provision and coordination of six
additional programs under contract with
the City of Boston. The programs in the
division included a system of three
health centers, a system of three day
care centers, a system of three
centers, a drug addiction treatment
treatment facility, and a social service
program for senior citizens. The annual

budget for the programs in this division exceeded three million dollars.

July, 1969 -
March, 1970

I worked as Special Assistant to the Administrator. I worked as the Agency's Contracts Officer, where I drafted and negotiated contracts for the operation of the Agency's various programs.

PROFESSIONAL
ACTIVITIES:

Current

Trustee, WGBH Educational Foundation

Director, Blue Cross/Blue Shield of
Massachusetts

Treasurer, Roxbury Community College
Foundation

Vice Chair, Board of Trustees,
Emerson College

Trustee, Phillips Academy,
Andover, Massachusetts

1979 - 1993

Director, Broadcast Capital Fund, Inc.

1982 - 1983

Director, The Boston Bank of Commerce

1978 - 1982

President, Trustees of the Solomon
Carter Fuller Community Mental Health
Center, Inc.

1976 - 1978

Member, Judicial Nominating Committee
for the Commonwealth of Massachusetts

1972 - 1976

Commissioner, Massachusetts Community
Antenna Television Commission

1972 - 1974

Member, Governor Sargent's Commission on
Citizen Participation

1971 - 1975

Member, Community Health and Education
Committee, The Medical Foundation, Inc.

1970 - 1976

Chair, Board of Directors
Roxbury Defenders Committee

PERSONAL DATA:

Birthdate: December 24, 1943

Married to the former Vivian C. Male

One son: James Anthony

FOLEY, HOAG & ELIOT

ONE POST OFFICE SQUARE

BOSTON, MASSACHUSETTS 02109-2170

TELEPHONE: (617) 832-1000

CABLE ADDRESS "FOLEYHOAG"

FACSIMILE (617) 832-7000

TELEX 940693

IN WASHINGTON, D.C.

1615 L STREET, N.W.

SUITE 850

WASHINGTON, D.C. 20036

TELEPHONE (202) 775-0600

CHARLES J. BEARD
(617) 832-1100
cbeard@fhe.com

**FOLEY, HOAG & ELIOT
M E M O R A N D U M**

To: Issuing Authorities Which Have Awarded Licenses to
Continental Cablevision

cc: Continental Cablevision

From: Charles J. Beard, Special Magistrate

Date: May 22, 1996

Re: Schedule of Hearings in US West/Continental Merger

Please find attached a schedule of nine consolidated hearings to be held in connection with Continental Cablevision's proposed merger with US West. Each Issuing Authority has been assigned to a hearing, so that Continental may start the process of giving notice of hearings. If for some reason an Issuing Authority wishes to participate in a hearing other than as assigned, or wishes to participate in more than one hearing, that is certain acceptable. Please let me know as soon as possible if you wish to change your assignment.

The hearings are currently scheduled to last no more than 3 hours. The tentative agenda for each hearing is as follows:

1. US West and Continental will make an opening presentation in which they will describe the proposed merger and will explain why it meets the four regulatory criteria. My understanding is that this presentation will take 30-40 minutes.
2. The Issuing Authority representatives will be invited to ask questions or express concerns about the case US West and Continental have made that their proposal meets the four regulatory criteria.
3. Members of the public will be invited to ask questions or express concern about the case US West and Continental have made that their proposal meets the four regulatory criteria.

I propose that the time remaining after the initial presentation be apportioned among the four regulatory criteria so that there is some discussion on the record of issues associated with each criterion. My hope is that Issuing Authorities will review the license transfer application immediately, and if there are questions which you want Continental or US West to address, you will provide me with a list of such questions not later than seven days before the hearing. Continental and US West will have seven days to prepare answers for the hearing.

After each hearing, I plan to prepare a summary of proceedings, to prepare an analysis of the case which has been presented by US West and Continental, and to offer a recommendation for your consideration. Of course, the recommendation is non-binding. Each Issuing Authority must reach its own conclusions about the proposed license transfer.

These consolidated hearings are being conducted in an effort to facilitate the role of the Issuing Authorities in the license transfer proceedings. If you have questions or concerns, please do not hesitate to contact me. My address, phone and fax numbers and e-mail address appear at the top of this memo.

U S WEST, Inc./Continental Cablevision, Inc.

Massachusetts Regional Hearings

Confirmed Dates/Times/Locations

By: Kim Hayden 5/22/96

OPTED OUT OF REGIONAL HEARING:

1. Town of Boxford
2. Town of Dedham
3. Town of Methuen
4. Town of Stoneham
5. Town of Tewksbury

HEARING IN TOPSFIELD:

Date: Wed., June 12, 1996

Time: 7:00 PM - 10:00 PM

Location:

Masconomet Reg'l High School
Auditorium
20 Endicott Road
Topsfield, MA 01983

Cablecasting: Yes

HEARING IN LOWELL:

Date: Thurs., June 13, 1996

Time: 7:00 PM - 10:00 PM

Location:

Lowell City Hall
City Council Chambers
375 Merrimack Street
Lowell, MA 01852

Cablecasting: Yes

HEARING IN NORTHAMPTON:

Date: Mon., June 17, 1996

Time: 7:00 PM - 10:00 PM

Location:

Northampton High School
380 Elm Street
Northampton, MA 01060

Cablecasting: Yes

1. City of Beverly
2. Town of Hamilton
3. Town of Ipswich
4. Town of Marblehead
5. Town of Newbury
6. Town of Newburyport
7. Town of Rowley
8. Town of Topsfield
9. Town of Wenham
10. Town of West Newbury

1. Town of Andover
2. Town of Bolton
3. Town of Chelmsford
4. Town of Clinton
5. Town of Lancaster
6. City of Lawrence
7. City of Lowell
8. City of Marlborough
9. Town of North Andover
10. Town of Phillipston
11. Town of Sterling
12. Town of Winchendon

1. Town of Bernardston
2. Town of Chester
3. Town of Conway
4. Town of Deerfield
5. Town of Hatfield
6. Town of Huntington
7. City of Northampton
8. Town of Northfield
9. Town of Sunderland
10. Town of Westhampton
11. Town of Whately
12. Town of Williamsburg

The following table shows the results of the experiment. The first column is the time in seconds, the second column is the distance in meters, and the third column is the velocity in m/s.

Time (s) Distance (m) Velocity (m/s)

0.0	0.0	0.0
0.5	0.5	1.0
1.0	1.0	2.0
1.5	1.5	3.0
2.0	2.0	4.0
2.5	2.5	5.0
3.0	3.0	6.0
3.5	3.5	7.0
4.0	4.0	8.0
4.5	4.5	9.0
5.0	5.0	10.0

The results show that the velocity increases linearly with time, indicating constant acceleration.

The acceleration can be calculated from the slope of the velocity-time graph. The slope is 2.0 m/s², which is the acceleration.

Time (s)	Distance (m)	Velocity (m/s)
0.0	0.0	0.0
0.5	0.5	1.0
1.0	1.0	2.0
1.5	1.5	3.0
2.0	2.0	4.0
2.5	2.5	5.0
3.0	3.0	6.0
3.5	3.5	7.0
4.0	4.0	8.0
4.5	4.5	9.0
5.0	5.0	10.0

**HEARING IN
SPRINGFIELD:**

Date: Tues., June 18, 1996

Time: 7:00 PM - 10:00 PM

Location:

Springfield City Hall
School Committee Chambers
36 Court Street
Springfield, MA 01103

Cablecasting: Yes

**HEARING IN
NEWTON:**

Date: Wed., June 19, 1996

Time: 7:00 PM - 10:00 PM

Location:

Newton City Hall
War Memorial Hall
1000 Commonwealth Avenue
Newton, MA 02159

Cablecasting: Yes

**HEARING IN
DARTMOUTH:**

Date: Tues., June 25, 1996

Time: 7:00 PM - 10:00 PM

Location:

UMASS Dartmouth
Library Services
Teleconferencing Room
285 Old Westport Road
Dartmouth, MA 02747

Cablecasting: Yes

1. Town of Agawam
2. Town of Granby
3. Town of Granville
4. Town of Holland
5. City of Holyoke
6. Town of Longmeadow
7. Town of South Hadley
8. Town of Southwick
9. City of Springfield
10. Town of West Springfield
11. City of Westfield

1. Town of Arlington
2. City of Cambridge
3. Town of Hopkinton
4. Town of Milford
5. Town of Natick
6. Town of Needham
7. City of Newton
8. Town of Sherborn
9. City of Waltham
10. Town of Watertown
11. Town of Wayland
12. Town of Wellesley
13. Town of Weston

14. Town of Upton *

** A transfer application will soon
be filed with the Town of Upton*

1. Town of Berkley
2. Town of Dartmouth
3. Town of Dighton
4. City of Fall River
5. Town of Freetown
6. Town of Lakeville
7. Town of Marion
8. Town of Mattapoisett
9. Town of Middleborough
10. City of New Bedford
11. Town of Rochester
12. Town of Wareham

**HEARING IN
BROCKTON:****Date: Wed., June 26, 1996****Time: 7:00 PM - 10:00 PM****Location:**

Massasoit Community College

Lecture Hall (TBA)

One Massasoit Blvd.

Brockton, MA 02401

Cablecasting: Yes

1. Town of Avon
2. City of Brockton
3. Town of Cohasset
4. Town of East Bridgewater
5. Town of Easton
6. Town of Hanover
7. Town of Hanson
8. Town of Hingham
9. Town of Holbrook
10. Town of Hull
11. Town of Milton
12. Town of Norwell
13. City of Quincy
14. Town of Randolph
15. Town of Raynham
16. Town of Scituate
17. Town of Stoughton
18. Town of West Bridgewater
19. Town of Whitman

**HEARING IN
BURLINGTON:****Date: Thurs., June 27, 1996****Time: 7:00 PM - 10:00 PM****Location:**

Human Services Building

61 Center Street

Burlington, MA 01803

Cablecasting: Yes

1. Town of Billerica
2. Town of Burlington
3. Town of Dracut
4. Town of Middleton
5. Town of Nahant
6. Town of North Reading
7. Town of Reading
8. City of Revere
9. Town of Saugus
10. Town of Wilmington
11. Town of Winchester
12. City of Woburn

**HEARING IN
BARNSTABLE:****Date: Mon., July 1, 1996****Time: 7:00 PM - 10:00 PM****Location:**

Barnstable Town Hall

367 Main Street

Hyannis, MA 02601

Cablecasting: Yes

1. Town of Barnstable
2. Town of Brewster
3. Town of Chatham
4. Town of Eastham
5. Town of Dennis
6. Town of Harwich
7. Town of Mashpee
8. Town of Nantucket
9. Town of Orleans
10. Town of Provincetown
11. Town of Truro
12. Town of Wellfleet
13. Town of Yarmouth

